

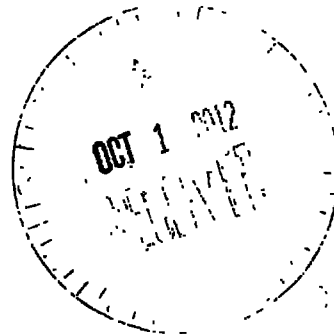


conserving nature for life

Suite 1650 | 25 East Washington Street | Chicago, IL 60602-1708 | Tel: 312-863-6250 | Fax: 312-863-6251 | www.openlands.org

September 28, 2012

Cynthia T. Brown, Chief,
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001



RE: Norfolk Southern Railway Company- Abandonment and Discontinuance of Service
in Lake County, Indiana and Cook County, Illinois. STB Docket No. AB-290 (Sub-No.
336X)

Dear Ms. Brown,

Attached for filing are the original and ten (10) copies of a Request for Public Use Condition and Request for Interim Trail Use in the captioned case by Openlands on behalf of the Town of Schererville, the Town of Dyer, the Village of Park Forest, the Village of Lynwood, the Forest Preserve District of Will County, the Forest Preserve District of Cook County, and the Illinois Department of Natural Resources, as well as the Northwestern Indiana Regional Planning Commission, the South Suburban Mayors and Managers Association, Folks on Spokes Bicycle Club, League of Illinois Bicyclists, Trails for Illinois, and the Old Plank Road Trail Management Commission. Please waive the \$250.00 filing fee as this comment is being submitted on behalf of state government and several local governmental entities. *See* 49 CFR 1002.2(e)(1).

Please time and date stamp the extra copy and return the same to my office in the self-addressed stamped envelope.

Please contact me if you have any questions or concerns.

Sincerely,

Gerald W. Adelman
President & CEO



conserving nature for life

Suite 1650 | 25 East Washington Street | Chicago, IL 60602-1708 | Tel: 312-863-6250 | Fax: 312-863-6251 | www.openlands.org

September 28, 2012

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423-0001

RE: Norfolk Southern Railway Company- Abandonment and Discontinuance of Service
in Lake County, IN, and Cook County, IL, STB Docket No. AB-290 (Sub-No. 336X)

Dear Ms. Brown:

This request is filed on behalf of the Town of Schererville, the Town of Dyer, the Village of Park Forest, the Village of Lynwood, the Forest Preserve District of Will County, Forest Preserve District of Cook County, the Illinois Department of Natural Resources (public agencies), together with the Northwestern Indiana Regional Planning Commission, the South Suburban Mayors and Managers Association, Folks on Spokes Bicycle Club, League of Illinois Bicyclists, Trails for Illinois, the Old Plank Road Trail Management Commission, and Openlands, an Illinois non-for-profit corporation, which are parties interested in conservation and recreation (hereafter, "Proponent").

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost JH 12.80 and milepost JH 19.10 in Lake County, Indiana, and Cook County, Illinois.

A. Request for Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting Norfolk Southern Railway Company from disposing of the corridor, other than tracks, ties and signal equipment, except for public use on reasonable terms. The justification for this condition is that the corridor could make possible the extension of the existing 21.5-mile Old Plank Road Trail in Illinois, and could provide connections to the Pennsy Greenway and Erie-Lackawanna in Indiana, thus expanding recreational and functional transportation opportunities in this underserved area. The corridor would make an excellent recreational trail and preservation of the corridor as a greenway is consistent with local plans. The time period sought is 180 days from the effective date of

the abandonment authorization. Proponent needs this much time to assemble and review title information, complete a trail plan, and begin negotiations with the carrier.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reasons as indicated above.

B. Request for Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking and interim trail use. In addition to the public use conditions sought above, Proponent makes the following statement:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S.C. 1247(d) and 49 CFR 1152.29, Proponent is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of, and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Norfolk Southern Railway Company after the transfer of the corridor to the Proponent.

The property extends from railroad milepost JH 12.80 to railroad milepost JH 19.10, a distance of 6.3 miles in Lake County, Indiana, and Cook County, Illinois. The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB-290 (Sub-No. 336X).

A map depicting the right-of-way is attached.

Proponent acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon Norfolk Southern Railway Company c/o Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037, by U.S. Mail, postage prepaid, first class, this 28th day of September, 2012.

Thank you for your consideration of this request.

Sincerely,



Gerald W. Adelman
President & CEO

